

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

DEBORA BRIGHT, §
§
Plaintiff, §
§
v. § No.
§
LAW OFFICES OF THOMAS LANDIS, §
§
Defendant. §

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

DEBORA BRIGHT (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against LAW OFFICES OF THOMAS LANDIS (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1331(b)(2)*.

PARTIES

6. Plaintiff is a natural person residing in Nederland, Texas.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a national debt collection company and with an office in Bensalem, Pennsylvania.

FACTUAL ALLEGATIONS

10. Beginning in approximately December 2010, Defendant placed collection calls to Plaintiff seeking and demanding payment for an alleged credit card debt. Upon information and belief, this credit card is from 2001 and originally owed to Merchants Credit.
11. Defendant calls Plaintiff's home phone, 409-727-8767, from 215-526-2600. *See Exhibits A and B.*
12. Defendant gives Plaintiff the names of different collection companies when placing calls including Oxford Law Group and Seiler and Associates. *See Exhibits A and B.*
13. Defendant called Plaintiff's husband's car phone, 409-626-1132, and told Plaintiff's husband (Eddie Ray Bright) that Plaintiff would be served with a summons. To date, no lawsuit has been filed by Defendant against Plaintiff. Furthermore, upon information and belief, this debt is from 2004 and therefore subject to the statute of limitations defense.
14. In August 2011, Defendant's employee, who identified himself as Don Johnson, called Plaintiff from 215-526-2600. Johnson called Plaintiff a "b*&\$#" after Plaintiff informed

Defendant she could not pay.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct of which the natural consequence is the abuse and harassment of the Plaintiff.
- b. Defendant violated §1692d(2) of the FDCPA by using profane and abusive language against Plaintiff.
- c. Defendant violated §1692e of the FDCPA by using false, deceptive, or misleading representation or means in connection with the debt collection.
- d. Defendant violated §1692e(5) of the FDCPA by threatening to serve Plaintiff with a summons when no lawsuit was intended to be filed as this is a time-barred debt.
- e. Defendant violated §1692e(10) of the FDCPA by using false representation or deceptive means to collect a debt.

WHEREFORE, Plaintiff, DEBORA BRIGHT, respectfully requests judgment be entered against Defendant, LAW OFFICES OF THOMAS LANDIS, for the following:

16. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
18. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By:/s/ Michael Agruss, Esq.
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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, DEBORA BRIGHT, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION**STATE OF TEXAS**

Plaintiff, DEBORA BRIGHT, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, DEBORA BRIGHT, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

8-22-2011

Date


Debora Bright

DEBORA BRIGHT